

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Bridging the Digital Divide for Low-Income Consumers	)	WC Docket No. 17-287
	)	
Lifeline and Link Up Reform and Modernization	)	WC Docket No. 11-42
	)	
Telecommunications Carriers Eligible for Universal Service Support	)	WC Docket No. 09-197
	)	

**COMMENTS OF Q LINK WIRELESS ON THE  
EMERGENCY PETITION OF TRACFONE WIRELESS, INC. FOR  
AN ORDER DIRECTING USAC TO ALTER THE  
IMPLEMENTATION OF THE NATIONAL VERIFIER**

Q Link Wireless, LLC (“Q Link”) hereby submits these comments in response to the Emergency Petition of TracFone Wireless, Inc. for an Order Directing USAC to Alter the Implementation of the National Verifier and a Waiver of 47 C.F.R. § 54.410(d)(3) and Petition for Rulemaking.<sup>1</sup> TracFone’s Petition addresses a number of issues relating to the Universal Service Administrative Company’s (“USAC”) implementation of the National Verifier. Q Link generally supports TracFone’s concerns and requests, and focuses here on a subset of TracFone’s requests, including those that are of immediate concern: USAC’s unilateral creation of new rules for documenting program participation, the ability for carriers to assist consumers with their applications and to submit them on behalf of consumers, and the need for application-to-

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<sup>1</sup> See Emergency Petition of TracFone Wireless, Inc. for an Order Directing USAC to Alter the Implementation of the National Verifier and a Waiver of 47 C.F.R. § 54.410(d)(3) and Petition for Rulemaking, WC Docket Nos. 17-287 et al. (filed Nov. 30, 2018) (“TracFone Petition”).

application interfaces (“APIs”) to facilitate consumer-friendly enrollment and program integrity, while minimizing USAC’s administrative costs. Like TracFone, Q Link supports the National Verifier and believes that proper implementation is critical to its success and the future of the Lifeline program. Q Link agrees with TracFone that prompt action from the Commission is needed for the matters addressed herein.

**I. THE COMMISSION MUST DIRECT USAC TO SUSPEND ITS UNILATERAL NEW REQUIREMENTS FOR PROOF OF PROGRAM PARTICIPATION PENDING NOTICE-AND-COMMENT RULEMAKING.**

Q Link agrees with TracFone that USAC’s new purported requirement that documents establishing participation in programs including Medicaid and the Supplemental Nutrition Assistance Program (“SNAP”) must include a name and issue date or expiration date improperly modifies existing Commission orders and rules.<sup>2</sup>

In 2012, when the Commission issued the *Lifeline and Link Up Reform and Modernization* Order—the order in which the Commission amended its regulations to contain the current text of 47 C.F.R. § 54.410(c)(1)(i)(B) regarding “[a]cceptable documentation of program eligibility”—the Commission made clear that such “[a]cceptable documentation . . . would include . . . program participation documents,” expressly including “the consumer’s Supplemental Nutrition Assistance Program (SNAP) electronic benefit transfer card or Medicaid

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<sup>2</sup> *Id.* at 7-9; *see also* USAC, Acceptable Eligibility Documentation for the National Verifier, <https://www.usac.org/li/tools/national-verifier/acceptable-eligibility-documentation.aspx> (last visited Dec. 18, 2018) (“To prove participation in one of the above programs, consumers must submit a document that, at a minimum, includes . . . [a]n issue date within the last 12 months or a future expiration date that aligns with the benefit period.”); USAC Lifeline Program Reminder: Updates to National Verifier Processes Effective December 4 (Nov. 28, 2018).

participation card (or copy thereof).”<sup>3</sup> The Commission reiterated in 2015 that these cards are “acceptable program eligibility documentation” under § 54.410(c)(1)(i)(B).<sup>4</sup> But USAC’s new mandatory criteria for acceptable documentation—in particular the requirement that the cards must bear a name and an issue date or expiration date—effectively bar the use of these cards as proof of eligibility in many states where the state-issued SNAP cards do not satisfy those criteria.

USAC does not have authority to supersede the Commission’s rules, or to interpret those rules contrary to the Commission’s orders.<sup>5</sup> And while the Commission has directed USAC “to *propose* acceptable documentation for the manual review” to the Wireline Competition Bureau, including situations involving “SNAP cards lacking identifying information,”<sup>6</sup> it did not authorize USAC to issue new rules. As an initial matter, therefore, the Commission should immediately clarify that USAC’s purported document requirements do not have the force of law. The Commission should also initiate a new rulemaking so that it can assess the appropriate forms of documentation that are readily accessible to a low-income consumer and strike the appropriate balance between consumer access and program integrity.

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<sup>3</sup> *Lifeline & Link Up Reform & Modernization*, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd. 6656, 6702 ¶ 101, 6879-80 (2012) (“2012 Lifeline Order”).

<sup>4</sup> *Lifeline & Link Up Reform & Modernization*, Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, 30 FCC Rcd. 7818, 7854 ¶ 95 (2015) (citing 2012 Lifeline Order).

<sup>5</sup> See 47 C.F.R. § 54.702(c) (USAC “may not make policy . . . [or] interpret unclear provisions of . . . [the Commission’s] rules[.] . . . Where the . . . Commission’s rules are unclear, or do not address a particular situation, the Administrator shall seek guidance from the Commission.”).

<sup>6</sup> *Lifeline & Link Up Reform & Modernization*, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd. 3962, 4010 ¶ 133 n.372 (2016) (“2016 Lifeline Order”) (emphasis added).

USAC’s new rules for SNAP cards and Medicaid cards are also unwise as a practical matter, even if USAC had authority to adopt them. As TracFone notes, “[m]ore Lifeline enrollees qualify through participation in SNAP and Medicaid than through any other programs.”<sup>7</sup> And SNAP cards and Medicaid cards issued by states—by far the most common documentation used by participants in those programs—often simply lack the information that USAC has unilaterally decided should be required on all documents used to prove eligibility for Lifeline benefits. USAC’s new rule asks the impossible of participants in these programs, as they have no ability to update these government-issued cards to include the information USAC demands. USAC has suggested that participants could rely on “award letter[s]” in lieu of benefits cards,<sup>8</sup> but that is an unreasonable and unrealistic burden on consumers. Award letters for these programs may have been issued years ago and lost in the interim—and participants will have had no reason to retain them for purposes of proving Lifeline eligibility given the Commission’s express endorsement of SNAP benefits cards and Medicaid cards as acceptable documentation. USAC’s draconian approach, in short, creates an insurmountable obstacle for countless eligible individuals attempting to receive benefits for which they qualify.

None of this is to diminish concerns the Commission has raised regarding “possible misuse of eligibility documentation.”<sup>9</sup> But USAC’s new rule is not the answer—certainly not a complete answer that preserves access to Lifeline—and the Commission should immediately act to stay it. If the Commission wishes to consider potential changes to its rules, it should do so in a rulemaking, where it can receive more fulsome submissions from states and others on the types

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<sup>7</sup> TracFone Petition at 8.

<sup>8</sup> USAC, Program Eligibility: Acceptable Eligibility Documentation, <https://www.usac.org/li/program-requirements/verify-eligibility/program-eligibility.aspx> (last visited Dec. 18, 2018).

<sup>9</sup> 2016 Lifeline Order at 4010 ¶ 133 n.372 .

of documentation of program participation that are readily available to participants. And it should take into account the significant burdens that additional proof requirements impose on honest, hardworking individuals facing challenging circumstances.

Moreover, if the Commission ultimately does adopt any additional proof requirements for enrollees qualifying through participation in SNAP or Medicaid, it should provide for an implementation period to allow individuals and providers to collect additional proof meeting the new standards. Otherwise, the Commission will inevitably and unnecessarily disrupt access for many eligible low-income consumers. At a minimum, if the Commission decides to impose additional documentation requirements for SNAP or Medicaid, the Commission should allow a user or a carrier to provide the user's SNAP or Medicaid number (even if it is not on the card itself) for states where the National Verifier has access to a state database that will allow it to confirm the individual's participation. The Commission can take steps to prevent misuse of eligibility documentation without unnecessarily removing eligible individuals from the Lifeline rolls.

**II. THE COMMISSION SHOULD ALLOW SERVICE PROVIDERS TO COLLECT AND SUBMIT PAPER APPLICATIONS TO USAC ON BEHALF OF CONSUMERS, AND FOR CONSUMERS TO COMPLETE AND SIGN THOSE APPLICATIONS ONLINE CONSISTENT WITH THE E-SIGN ACT.**

Q Link also agrees with TracFone that the Commission should improve the current process for submission of paper applications. As TracFone points out, the new post-“hard launch” restrictions on paper applications make them difficult for low-income consumers to use.<sup>10</sup> Consumers using paper applications must access the internet and physically print a blank application, fill it out, mail it to USAC, and (only after receiving confirmation of eligibility)

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<sup>10</sup> TracFone Petition at 17-19.

engage with a provider to obtain service. That process is cumbersome and inefficient, and presents significant obstacles for those without ready access to a computer, the internet, and a printer.

Q Link accordingly supports TracFone's request that the Commission permit service providers to assist consumers with the preparation of paper applications, and to collect and submit them to USAC on behalf of consumers. Even without an API, service providers could facilitate this process by transferring paper materials to the Commission through a bulk transfer process, akin to what Q Link has proposed in its recent waiver request.<sup>11</sup> Allowing this reasonable process for consumers and service providers to work together to submit completed eligibility applications is necessary given the Commission's obligations to "minimize the Federal information collection burden on the public" in its activities.<sup>12</sup>

But the Commission can and should go one step further and permit consumers to complete an exact replica of a paper application online, consistent with the Commission's obligation pursuant to OMB Circular No. A-130 to "[a]llow individuals . . . the option to submit information or transact with the agency electronically, when practicable," including through the use of electronic signatures.<sup>13</sup> Carriers could then bundle the completed and signed eligibility application and any associated documentation for submission to the National Verifier. Again,

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<sup>11</sup> See Petition of Q Link Wireless, LLC for a Limited Waiver to Permit Alternative Transmission of Lifeline Eligibility Information and Customer Certifications to the National Verifier, WC Docket Nos. 17-287 et al., at 11 (filed Nov. 1, 2018) ("Limited Waiver Petition").

<sup>12</sup> Office of Management and Budget, *Circular No. A-130: Managing Information as a Strategic Resource*, at 4, <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A130/a130revised.pdf> (noting this responsibility is "[p]ursuant to the Government Paperwork Elimination Act of 1998 (44 U.S.C. § 3504)").

<sup>13</sup> *Id.* at 18.

this is consistent with Q Link’s bulk-transfer request in its recent Limited Waiver Petition. And it would be far more efficient for consumers—who could complete the exact same application conveniently online, rather than through the burdensome process of printing, completing, and mailing. This measure should not be needed long-term if the Commission takes the sensible step of implementing APIs to facilitate carriers’ assistance in transmitting eligibility documentation electronically to the National Verifier; but until that time, it will significantly reduce the burden on consumers, at no loss to the National Verifier’s ability to prevent waste, fraud, and abuse.

### **III. TRACFONE AGAIN UNDERSCORES THE CRITICAL NEED FOR PROMPT IMPLEMENTATION OF AN API THAT PERMITS CARRIERS TO INTERACT WITH AND TRANSFER DATA TO THE NATIONAL VERIFIER.**

TracFone’s Petition rightly includes a call for the Commission promptly to direct USAC to implement APIs that would allow eligible telecommunications carriers to transmit eligibility information to the National Verifier.<sup>14</sup> Q Link will not belabor here the points it has made in pending petitions to the Commission on this issue,<sup>15</sup> but writes to highlight once more the need for the Commission’s action. Implementing APIs will increase efficiency and lower costs for the Commission and USAC by leveraging carrier screening processors, improve accessibility for consumers—including veterans, the elderly, and consumers in rural and suburban environments—by streamlining the eligibility and enrollment processes, protect consumers from fraudulent schemes, and maintain incentives for carriers to continue marketing to consumers by allowing them to engage with their customers throughout the process.<sup>16</sup> Q Link reiterates that

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<sup>14</sup> See, e.g., TracFone Petition at 21.

<sup>15</sup> See, e.g., Limited Waiver Petition; Emergency Petition of Q Link Wireless, LLC for an Order Directing the Universal Service Administrative Company to Implement Machine-to-Machine Interfaces for the National Verifier, WC Docket Nos. 17-287 et al. (filed July 5, 2018) (“Emergency API Petition”).

<sup>16</sup> See, e.g., Limited Waiver Petition at 4-9; Emergency API Petition at 13-27.

Commission action is needed now both on the overall API issue and on Q Link's request for limited, interim relief as USAC continues to expand the list of "hard launch" states.<sup>17</sup>

Respectfully submitted,



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<sup>17</sup> See, e.g., Reply Comments of Q Link Wireless, LLC in Support of Petition for a Limited Waiver, WC Docket Nos. 17-287 et al., at 3-6 (filed Nov. 30, 2018); Limited Waiver Petition at 11 (describing waiver request, which would reserve all eligibility determinations to be made solely by the National Verifier).